IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI JUSTICE C.V.RAMULU

-

WRIT PETITION NO : 24575 of 2004

Between:

1 Kampasati Annapoorna W/o Nageswara Rao
R/o Pattagigudem (V) of Chintalapudi Mandal, West Godavari District
2 Kampasati Naga Seetha W/o Ramakrishna
R/o Pattagigudem (V) of Chintalapudi Mandal, West Godavari District
3 Kampasati Ramakrishna S/o nageswara Rao
R/o Pattagigudem (V) of Chintalapudi Mandal, West Godavari District
4 Kampasati Srinivasa Rao S/o Nageswara Rao
R/o Pattagigudem (V) of Chintalapudi Mandal, West Godavari District
5 Kampasati Satyanarayana S/o Nageswara Rao
R/o Pattagigudem (V) of Chintalapudi Mandal, West Godavari District

..... PETITIONERS

AND

1 Revenue Divisional Officer, Eluru West Godavari District
2 Mandal Revenue Officer, Chintalapudi Mandal West Godavari District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any appropriate Writ, order or Direction more particularly one in the nature of Writ of mandamus declaring the proceedings of the 1st Respondent in Roc. No 1163/2004 (A) dt 13-12-2004 as illegal and void and pass such other further orders as this Hon'ble Court may deem fit in the circumstances of the case

Counsel for the Petitioner: MR.A.RAMALINGESWAR RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the proceeding of the first respondent in ROC No. 1163/2004 (A) dated 13-12-2004 as illegal.

In the impugned proceedings, the Revenue Divisional Officer, Eluru,(1st respondent herein) directed to cancel the entries in the pattadar pass books/title deeds issued to the petitioners herein for the land admeasuring Ac 48.85 cents in Sy.No. 26/3, 26/6, 26/4, 26/5, 26/9 of Namavaram village of Chintalapudi Mandal of West Godavari District. It is the case of the petitioners that none of them were put on any notice before passing the impugned proceedings.

A perusal of the impugned proceedings would speak that none of the affected persons were put on any notice and were heard as required under law. It is seen that though an alternative remedy is available to file an appeal before the C.L.R, since there is gross violation of principles of natural justice by the government officials apart from not following the due process of law, they approached this court. Therefore, relegating the petitioner to alternative remedy does not arise. The orders passed by the respondents are in violation of the principles of natural justice and the writ petition can be entertained.

Therefore, the impugned orders are set aside. However, this order will not preclude the respondents from conducting any enquiry as required under law and alter the entries if any necessary.

With the above observations, the writ petition is disposed of. No order as to costs. However, till the enquiry, if any, is taken up by the respondents and orders are passed, status quo obtaining as on today shall be maintained as to the entries.

C.V. RAMULU, J

Dt.2-2-2005

Kvrk

To

1 The Revenue Divisional Officer, Eluru, West Godavari District
2 The Mandal Revenue Officer, Chintalapudi Mandal West Godavari District

3. Two CCs to GP for Revenue, High Court Buildings, Hyderabad(OUT)

4. Two CD copies.